

REMARKS

Claims 1-12 remain pending in the application.

Claims 1, 4, 7 and 10 over Knuth.

In the Office Action, claims 1, 4, 7 and 10 were rejected under 35 U.S.C. §102(b) as allegedly being obvious over U.S. Patent No. 5,646,979 to Knuth ("Knuth"). The Applicants respectfully traverse the rejection.

Claims 1, 4, 7 and 10 recite a method and system that introduces and receives over a telephone line a digitized version of an audio message relating to a call from a calling telephone to a called telephone while a telephone line of the called telephone remains in an on-hook state.

The Office Action alleges that Knuth discloses communicating an audio message between a calling telephone apparatus and a called telephone apparatus (See Office Action, page 2). The Applicants respectfully disagree.

Knuth discloses sending conventional caller ID information between a calling telephone apparatus and a called telephone apparatus (See col. 4, lines 11-21). The conventional caller ID information is transformed into an audible signal by a speech synthesizer at the called telephone (See Knuth, col. 4, lines 22-34).

Knuth's conventional caller ID information starts out as tone signals (See Knuth, col. 4, line 15). Conventional caller ID information does NOT start out as an analog signal to be converted to a digital signal, i.e., a digitized version of an audio message. Thus, Knuth discloses an audio version of tone signals that represent caller ID information. Knuth transforming tone signals into an analog form at a called telephone is NOT fails to disclose or suggest digitized version of an audio message, much less a method and system that introduces and receives over a telephone line a digitized version of an audio message relating to a call from a calling telephone to a called telephone while a telephone line of the called telephone remains in an on-hook state, as recited by claims 1, 4, 7 and 10.

Moreover, conventional caller ID information is supplied by a telephone provider. Therefore, Knuth's system discloses introducing digital caller

ID information, i.e., tones, from a telephone provider to a called telephone NOT from a calling telephone, as recited by claims 1, 4, 7 and 10.

A benefit of a method and system that introduces and receives over a telephone line a digitized version of an audio message relating to a call from a calling telephone to a called telephone while a telephone line of the called telephone remains in an on-hook state is, e.g., personalizing a message to a called party without the called party having to answer a telephone to hear. Conventional caller ID information only allows a called party to identify the telephone number and/or the name of the calling party. However, a digitized version of an audio message allows a personalized message to be conveyed to a called party, even while the called party is engaged in a phone conversation. A personalized message allows more information to be conveyed from a called party, such as the urgency of the call. A caller already engaged in a call receiving a digitized version of an audio message can make a more informed decision whether to answer and/or respond to the incoming call. Knuth fails to disclose or suggest the claimed features having such benefits.

For at least all the above reasons, claims 1, 4, 7 and 10 are patentable over the cited art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 2, 3, 5, 6, 8, 9, 11 and 12 over Knuth in view of Guercio

In the Office Action, claims 2, 3, 5, 6, 8, 9, 11 and 12 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Knuth in view of U.S. Patent No. 6,373,925 to Guercio ("Guercio"). The Applicants respectfully traverse the rejection.

Claims 2, 3, 5, 6, 8, 9, 11 and 12 are dependent on claims 1, 4, 7 and 10 respectively, and are allowable for at least the same reasons as claims 1, 4, 7 and 10.

Claims 2, 3, 5, 6, 8, 9, 11 and 12 recite a method and system that introduces and receives over a telephone line a digitized version of an audio message relating to a call from a calling telephone to a called telephone while a telephone line of the called telephone remains in an on-hook state.

As discussed above, Knuth fails to disclose or suggest a method and system that introduces and receives over a telephone line a digitized version of an audio message relating to a call from a calling telephone to a called telephone while a telephone line of the called telephone remains in an on-hook state, as respectively recited by claims 2, 3, 5, 6, 8, 9, 11 and 12.

The Office Action relies on Guercio to allegedly make up for the deficiencies in Knuth to arrive at the claimed features. The Applicants respectfully disagree.

Guercio is relied on to disclose a signal identifying a calling party during a silent interval provided to a called telephone apparatus, whereby the called telephone apparatus is provided with Caller ID information in addition to an audio message (Office Action, page 6). The Applicants respectfully disagree.

Guercio discloses sending only Caller ID information to a called telephone apparatus (See Abstract). The caller ID information is used to look up a voice message associated with the caller ID information stored in a table on the called telephone apparatus (See Knuth, Abstract). As the Examiner acknowledges Guercio discloses caller ID information that is provided to a called party and an associated voice message is played (See Office Action, page 5). Thus, NO audio message passes from a calling telephone to a called telephone while the called telephone is in an on-hook state, only caller ID information. Guercio fails to disclose or suggest any type of audio message introduced to a called telephone while the called telephone remains in an on-hook state, much less a digitized version of an audio message relating to a call from a calling telephone, as recited by claims 2, 3, 5, 6, 8, 9, 11 and 12.

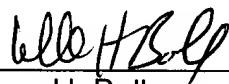
Thus, even if it were obvious to modify Knuth with the disclosure of Guercio (which it is not), the theoretical result would be a system and method that only sends caller ID information to a called party NOT a method and system that introduces and receives over a telephone line a digitized version of an audio message relating to a call from a calling telephone to a called telephone while a telephone line of the called telephone remains in an on-hook state, as respectively recited by claims 2, 3, 5, 6, 8, 9, 11 and 12.

For at least all the above reasons, claims 2, 3, 5, 6, 8, 9, 11 and 12 are patentable over the cited art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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